

STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Streets and Traffic Bylaw so as to better regulate the use of boulevards and medians on City streets in order to prevent the unsafe use of City streets for camping, or for the erection of tents and other forms of shelter, to prevent the damage to City property and the nuisance and inconvenience to the public that results from such inappropriate and unsafe uses, and to preserve the aesthetic character and appearance of City streets.

Under its statutory powers, including section 8(3)(b) and (h), and sections 36, 46, 62 and 64 of the *Community Charter*, the Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW (NO. 1)”.
2. The Streets and Traffic Bylaw is amended by inserting after section 103 the following provisions as section 103A:

“Boulevards and Medians

103A (1) In this section:

“boulevard” includes:

- (a) on a street with curbs, the unpaved portion of street between the outside curb and adjoining property line; and
- (b) on a street without a curb, the unpaved portion of street between the edge of the roadway and the adjoining property line.

“median” includes:

- (a) an area that is painted, curbed or raised and is located between traffic lanes to separate vehicles travelling in opposite directions;
- (b) any unpaved portion of the road allowance, including but not limited to landscaped areas and greens, located between two or more roadways or streets; and
- (c) a traffic circle or other traffic divider.

“roadway” means that portion of a street improved, designed or intended for vehicular use.

- (2) A person must not place, construct, erect or cause or permit to be placed, constructed or erected any structure, tent, object or thing that encroaches on, obstructs, or otherwise occupies a boulevard or median without first obtaining written permission from the Director of Engineering.
- (3) Subsection (2) does not apply to any of the following persons or objects:
 - (a) employees or agents of the City while they are acting in the course of their employment;
 - (b) a special event for which a permit has been issued by the Director of Parks, Recreation and Community Development; and
 - (c) works for which a permit is issued under section 102 or 106 of this Bylaw, or under a bylaw passed under section 14 of the *Victoria City Act, 1919*.
- (4) The Director of Engineering, a person authorized by the Director of Engineering, a Bylaw Officer, or a member of a police force, on behalf of the City may cause the removal, detention or impounding of any structure, tent, object or thing found on a boulevard or median in contravention of this section.
- (5) Between sunset of one day and sunrise on the next day, a person must not:
 - (a) occupy a median by squatting, kneeling, sitting, or lying down on it;
 - (b) stand or walk on a median except while lawfully crossing a street.
- (6) The prohibition set out in subsection (5) does not apply to any of the following:
 - (a) employees or agents of the City while they are acting in the course of their employment;
 - (b) police officers in the performance of their duties;
 - (c) a medical emergency;
 - (d) sitting on a seat, or standing, at a bus zone while waiting for a bus;
 - (e) persons participating in or attending a special event for which a permit has been issued by the Director of

Engineering or the Director of Parks, Recreation and Community Development; and

- (f) walking on a path or trail designed for that purpose.
- (7) A person must not do any of the following on a boulevard:
 - (a) cut, break, injure, remove, climb, or in any way destroy or damage
 - (i) a tree, shrub, plant, turf, flower, or seed, or
 - (ii) a building or structure, including a fence, sign, seat, bench, or ornament of any kind;
 - (b) dispose of household, yard, or commercial waste.
- (8) Prohibition contained in subsection (7)(a) does not apply to any of the following:
 - (a) employees or agents of the City while they are acting in the course of their employment; and
 - (b) persons acting under an agreement with the City or a permit issued by the Director of Parks, Recreation and Community Development.
- (9) For certainty, this section applies to any boulevard and median that is also a park, notwithstanding section 16A of the Parks Regulation Bylaw.”

READ A FIRST TIME the **2nd** day of **September,** 2010

READ A SECOND TIME the **2nd** day of **September,** 2010

AMENDED the **23rd** day of **September,** 2010

READ A THIRD TIME the **23rd** day of **September,** 2010

ADOPTED on the **7th** day of **October,** 2010

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“DEAN FORTIN”
MAYOR